

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN RE:

BDC GROUP, INC.,

Debtor.

Chapter 11
Case No. 23-00484

**EX PARTE MOTION FOR ORDER
DIRECTING TRANSFER OF TITLES**

COMES NOW, John Deere Construction & Forestry Company and Deere Credit, Inc., d/b/a John Deere Financial (“Deere”), and for its Motion requesting relief pursuant to 11 U.S.C. 105, states as follows:

1. On January 31, 2024 this Court granted Deere’s emergency motion for relief from stay (docket no. 388) whereupon the Court granted Deere’s Motion and ordered that Deere was entitled to repossess and liquidate its collateral, including but not limited to the following:

2020 BIG-TEX 14LX trailer, VIN no. 16V1D1625M5009202

2020 BIG-TEX 14LX trailer, VIN no. 16V1D2120M5017723

2. On January 31, 2024 the appointed and acting Chapter 7 Trustee, Renee Hanrahan, filed a report of abandonment, (docket No. 391) specifically abandoning from the bankruptcy estate all of Deere’s collateral as set forth in its emergency motion, including but not limited to the following:

2020 BIG-TEX 14LX trailer, VIN no. 16V1D1625M5009202

2020 BIG-TEX 14LX trailer, VIN no. 16V1D2120M5017723

3. Subsequent to the entry of the Court’s Order and the Trustee’s abandonment as referred to above, the Debtor voluntarily surrendered the above described trailers to Deere for the purpose of liquidation.

4. Subsequent to the entry of the Court's Order, the Trustee's abandonment and the Debtor's surrender, all as referred to above, Deere sold the two trailers referred to in paragraphs 1 and 2 above to Martin Equipment. A copy of the documents evidencing Deere's sale of said trailers to Martin Equipment is attached hereto as Exhibits A and B, and by this reference made a part hereof.

5. Pursuant to this Motion, Deere seeks the entry of an order confirming Deere's security interest in, and Deere's authority to liquidate and sell, the trailers referenced in this Motion. Deere further requests that the Court enter an order directing the motor vehicle division of the Iowa Department of Transportation and/or any treasurer's office within the State of Iowa, to recognize Deere's secured interest in the trailers described herein and to recognize Deere's foreclosure sale of said collateral to allow the issuance of titles thereto to the purchaser thereof, Martin Equipment.

6. No notice should be required of this request since the court has already granted relief from the stay, the Trustee has previously filed an abandonment and the Debtor has voluntarily surrendered the equipment subject to this motion. Deere is required to file this motion due to the Fact the Iowa Department of Transportation will not issue the new titles to the purchaser without a court order, so authorizing.

WHEREFORE, for the reasons above stated, Deere requests the entry of an order authorizing Deere to seek the transfer of titles to the purchaser, Martin Equipment, and to direct the Motor Vehicle Division of the Iowa Department of Transportation and/or any state treasurer's office in Iowa to issue new titles to the purchaser Martin Equipment.

/s/ Wesley B. Huisinga

Wesley B. Huisinga AT0003670
SHUTTLEWORTH & INGERSOLL, PLC

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ATTORNEY FOR JOHN DEERE FINANCIAL,
JOHN DEERE CONSTRUCTION &
FORESTRY COMPANY and DEERE CREDIT,
INC

CERTIFICATION OF SERVICE

The undersigned hereby certifies under penalty of perjury, that a copy of this document was served electronically on parties who receive electronic notice through CM/ECF as listed on CM/ECF's notice of electronic filing or mailed USPS on October 23, 2024.

/s/ Patti K. O'Keefe

EQUIPMENT REMARKETING SERVICES				
Sales Order Confirmation			Date: 23 May, 2024	
EQUIPMENT PURCHASED				
Stock Number	Make	Model	Serial Number	Amount (U.S.)
61606	2020 Big Tex	14LX	16V1D1625M5009202	\$2,500.00
DESCRIPTION OF EQUIPMENT AND SALES AGREEMENT				
Hours: 1. PINTLE HITCH; ELECTRIC BRAKES, DUAL AXLES; 6 TON; TILT BED, END DUMP				
PURCHASER				
Company Name: MARTIN EQUIPMENT			Ship To: 178634	
Contact: Josh White			Bill To: 178634	
Address: 400 West Martin Drive			Purchase Date: 2024-05-23	
City: GOODFIELD			State/Zip: IL/61742	
Phone Number: (309) 965-2502			Fax Number: 309-965-2711	
MACHINE LOCATION				
Company: MARTIN EQUIPMENT			178642	
Contact: Jason Kula			Phone Number:	
Address: 2900 6th Street Southwest			Fax Number: 319-366-7545	
City: CEDAR RAPIDS			State/Zip: IA/52404	
NOTICE: EQUIPMENT IS SOLD AS IS, WHERE IS, UNLESS OTHERWISE SPECIFIED ABOVE.				
<i>Unless otherwise specified above there are no guarantees or warranties, expressed or implied, statutory or otherwise of any nature whatsoever in respects to the Equipment identified above. Specifically, but without limitation, Equipment Remarketing Services (ERS) makes no representation or warranty that the above identified equipment: 1) conforms to any standard in respect of safety or to any standard or requirement of any applicable authority, law or regulation, or 2) is fit for any particular purpose, or 3) is merchantable.</i>				
<i><u>Unless the above identified machine is purchased as salvage and so noted above,</u> purchaser agrees to repair, at his cost, the machine to a safe operating condition and, without limitation, to a condition which meets any standard or requirement of any applicable authority, law or regulation including those concerning any use to which the machine may be put. All sales are final. Title and risk of loss to transfer at the time the equipment is loaded onto the freight carrier's trailer. Used Terms: John Deere Dealers (with approved credit) - John Deere Used Equipment Floor plan terms in effect on the date of order. New Terms: John Deere Dealers (with approved credit) - interest bearing begins the 1st of the month following the month of sale. All Other Buyers: CASH. Shipping Cost is the responsibility of the purchaser, unless otherwise stated above. John Deere DMF Recapture Guidelines apply to used John Deere machines remarketed at ERS sold with remaining original manufacturers Basic (Full) SECURE coverage.</i>				
<i>This confirmation is expressly conditioned upon purchaser's acceptance of all terms and conditions noted hereon, which will be presumed unless the purchaser takes exception to said terms and conditions before taking delivery of the purchased equipment.</i>				
<i>John Deere Dealers: Remaining SECURE Warranty and/or SECURE Extended coverage is void unless a delivery receipt and/or SECURE Extended coverage transfer (when applicable) is submitted prior to claim submission. An ESIS delivery receipt must be submitted when unit is sold retail.</i>				

EQUIPMENT REMARKETING SERVICES, A DIVISION OF JOHN DEERE SHARED SERVICES, INC.
May 23 2024 at 04:08PM

DCS/R
Bryan Tallyn

EQUIPMENT REMARKETING SERVICES				
Sales Order Confirmation				Date: 23 May, 2024
EQUIPMENT PURCHASED				
Stock Number	Make	Model	Serial Number	Amount (U.S.)
61605	2020 Big Tex	14LP	16V1D2120M5017723	\$2,500.00
DESCRIPTION OF EQUIPMENT AND SALES AGREEMENT				
Hours: 1. PINTLE HITCH; ELECTRIC BRAKES, DUAL AXLES; 6 TON; END DUMP				
PURCHASER				
Company Name: MARTIN EQUIPMENT			Ship To: 178634	
Contact: Josh White			Bill To: 178634	
Address: 400 West Martin Drive			Purchase Date: 2024-05-23	
City: GOODFIELD			State/Zip: IL/61742	
Phone Number: (309) 965-2502			Fax Number: 309-965-2711	
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EQUIPMENT REMARKETING SERVICES, A DIVISION OF JOHN DEERE SHARED SERVICES, INC.
May 23 2024 at 04:06PM

DCS/R
Bryan Tallyn